IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

MELISSA ELIZABETH LUCIO,	§	
	\$\phi \phi \phi \phi \phi \phi \phi \phi	
Plaintiff,	§	
	§	No. 4:22-cv-00996
VS.	§	
BRYAN COLLIER, Executive Director,	§	
Texas Department of Criminal Justice	§	
Huntsville, Texas	§	
	§	
BOBBY LUMPKIN, Director,	§	
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	(Death Penalty Case)
Division, Huntsville, Texas	§	
	§	
DENNIS CROWLEY, Warden, Texas	§	Ms.Lucio is scheduled to be
Department of Criminal Justice,	§	executed on April 27, 2022
Huntsville Unit,	§	-
Huntsville, Texas,	§	
	§	
Defendants.	§	
	§	

MOTION FOR EXTENSION OF TIME TO FILE MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff Melissa Elizabeth Lucio is scheduled to be executed on April 27, 2022. On March 28, 2022, she filed a complaint under 42 U.S.C. § 1983, alleging that the State of Texas intends to execute her in a manner that unconstitutionally burdens her religious exercise under the First Amendment to the United States Constitution and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), together with motions for undersigned counsel to be admitted *pro hac vice* and for Ms. Lucio to proceed *in forma pauperis*. (ECF No. 1). On April 1, 2022, this

Court ordered Lucio to file "a fully supported motion to proceed *in forma pauperis*" ("IFP") by April 8, 2021. (ECF No. 5).

Lucio respectfully requests a one-week extension of the time to file the fully supported IFP motion due to a delay in obtaining the certified statement of her trust fund account, to and including April 15, 2022. A representative of co-counsel, the Federal Public Defender for the Western District of Texas, Capital Habeas Unit, was scheduled to visit Ms. Lucio on April 6, 2022, to obtain the statement. Due to the concurrent visit of several Texas legislators with Ms. Lucio that day, the CHU representative's visit had to be cancelled and re-scheduled. It is believed that the statement required for the filing of the fully supported IFP motion will be available by April 15, 2022, the due date for Lucio to file her reply brief. Thus this requested 7-day extension of time should not result in any delay of these proceedings. A proposed order is enclosed for the Court's convenience.

DATED: April 8, 2022.

Respectfully submitted,

A. RICHARD ELLIS 75 Magee Ave. Mill Valley, CA (415) 389-6771 a.r.ellis@att.net MAUREEN SCOTT FRANCO Federal Public Defender Western District of Texas

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Counsel for Plaintiff Melissa Elizabeth Lucio

CERTIFICATE OF CONFERENCE

Via e-mail communication on April 7, 2022, attorney for Defendants Jennifer Wren, of the Office of the Attorney General, State of Texas, indicated to undersigned counsel that the Defendants would "take no position on a one-week extension for the IFP motion."

s/s A. Richard Ellis

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CERTIFICATE OF ELECTRONIC SERVICE

I, A. Richard Ellis, do hereby certify that I electronically filed the foregoing pleading with the Clerk of the Court for the United States District Court for the Southern District of Texas, using the electronic case filing system of the Court on April 8, 2022. I have also served Defendants' counsel of record, Ms. Jennifer Wren of the Office of the Attorney General, State of Texas, via e-mail at jennifer.wren@oag.texas.gov; Ms. Leah O'Leary of the Office of the Attorney General, State of Texas, via e-mail at jennifer.wren@oag.texas.gov; Mr. Edward Marshall of the Office of the Attorney general, State of Texas at jennifer.wren@oag.texas.gov; and Ms. Kristen Worman, attorney for the Texas Department of Criminal Justice, via e-mail at kristen.worman@tdcj.texas.gov.

/s/ A. Richard Ellis

A. RICHARD ELLIS

Attorney for Melissa Lucio

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Huntsville, Texas,	§	
- • •	§	
Defendants.	§	
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ORDER GRANTING PETITIONER'S MOTION FOR ONE WEEK EXTENSION OF TIME TO FILE FULLY SUPPORTED IFP MOTION

Upon due consideration of Plaintiff's Motion, it is hereby ORDERED that Plaintiff Melissa Elizabeth Lucio's motion for a one-week extension of time to file a fully supported motion to proceed in *forma pauperis* is GRANTED. The motion is now due by or before April 15, 2022.